

Please Direct All Correspondence to Customer Number **20,995**

Applicant : Albertson et al.
App. No : 10/713,845
Filed : November 14, 2003
For : MULTI-LAYER INTERCONNECT
WITH ISOLATION LAYER
Examiner : George A. Goudreau
Art Unit : 1792
Conf. # : 2778

Request for Refund of Fees

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request a refund of the fees paid with the Notice of Appeal filed December 3, 2007. The fees were calculated as noted below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	1401 (\$510)		\$510
1 Month Extension	1.17(a)(1)	1251 (\$120)		\$0
2 Month Extension	1.17(a)(2)	1252 (\$460)		\$460
3 Month Extension	1.17(a)(3)	1253 (\$1,050)		\$0
Previously Paid Extension Fee				-\$120
			TOTAL FEE DUE	\$850

Delays by the Patent Office in processing a Notice of Allowance necessitated the Notice of Appeal, which was otherwise unnecessary given the Examiner's finding that the pending

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claims were allowable well before the filing of the Notice of Appeal. In the Supplemental Response to Final Office Action submitted October 9, 2007, Applicants cancelled all rejected claims, rewrote an allowable claim in independent form, and provided antecedent basis for existing claim terms. Consequently, only claims previously found to be allowed or allowable were pending after that Supplemental Response.

However, a Notice of Allowance was not received by the six month date of December 4, 2007. Consequently, Applicants filed the Notice of Appeal to prevent abandonment of the Application. A Notice of Allowance was subsequently mailed on March 3, 2008. Applicants note that, without filing of the Notice of Appeal, the Notice of Allowance would not have prevented abandonment of the Application, since the Notice of Allowance came more than six months after the mailing date of the final Office Action.

The lack of a timely response to Applicants' timely filed Response to Final Office Action was in violation of Patent Office's 10 calendar day and 30 day guidelines set forth in M.P.E.P. § 714.13(II):

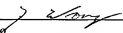
Any amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. **An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office.** In all instances, both before and after final rejection, in which an application is placed in condition for allowance, applicant should be notified promptly of the allowability of the claims by a Notice of Allowability form PTOL-37. If delays in processing the Notice of Allowability are expected, e.g., because an extensive examiner's amendment must be entered, and the end of a statutory period for reply is near, the examiner should notify applicant by way of an interview that the application has been placed in condition for allowance, and an Examiner Initiated Interview Summary PTOL-413B should be mailed. **Prompt notice to applicant is important because it may avoid an unnecessary appeal and act as a safeguard against a holding of abandonment. Every effort should be made to mail the letter before the period for reply expires.**

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M.P.E.P. § 714.13(II), ¶ 6 (emphasis added).

Applicants submit that the circumstances in this case constitute the “unnecessary appeal” contemplated by M.P.E.P. § 714.13(II). Indeed, the Notice of Appeal was necessitated by Patent Office delays. Accordingly, Applicants respectfully request that the fees for the Notice of Appeal and extensions of time be refunded in the amount of \$850.

Dated: March 18, 2008



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